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## LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT

### NOTIFICATION

The 24th July 2012

No. 5756—li-1 (BH)-29/2000(Pt.)-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 11th May 2012 in I. D. Case No. 70 of 2000 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of Divisional Forest Officer, Baripada, Mayurbhanj and its Workman Shri Chaitan Mohanta was referred to for adjudication is hereby published as in the Schedule below :

### SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 70 OF 2000

Dated the 11th May 2012

#### *Present :*

S.A.K.Z. Ahamed,  
Presiding Officer,  
Labour Court, Bhubaneswar.

#### *Between :*

The Divisional Forest Officer,  
Baripada, Dist. Mayurbhanj.

.. For the First Party—Management

And

Shri Chaitan Mohanta,  
At/P.O. Jamsola,  
Dist. Mayurbhanj.

.. For the Second Party—Workman

#### *Appearances :*

None

.. For the First Party—Management

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Shri C. Mohanta

.. For the Second Party—Workman himself

## AWARD

The Government of Odisha in the Labour & E.S.I. Department in exercise of powers conferred upon them by sub-section (5) of Section 12 read with Clause (c)/(d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Court for adjudication vide Order No. 8796—li-1 (BH)-29/2000-LE., dated the 1st July 2000.

“Whether the termination of Shri Chaitan Mohanta from services with effect from the 1st April 1999 by the Divisional Forest Officer, Baripada Division, Baripada, Dist. Mayurbhanj is legal and/or justified ? If not, to what relief Shri Mohanta is entitled ?”

2. The case of the workman, in brief, as set out in his statement of claim is that he was working as Watcher with effect from the 7th July 1986 under the management and he continued to work as such till 31-5-1999. On 1-6-1999 he was informed by the Range Officer of the management that his service was terminated by the management with effect from the 1st April 1999. The workman has further stated that although he had rendered continuous service since the date of joining till the date of termination with much sincerity, devotion and to the utmost satisfaction of the authorities, but the management without any rhyme or reason terminated his service without following the provisions of Section 25-F of the Industrial Disputes Act, 1947. In view of the above backgrounds, the workman has prayed for his reinstatement in service with full back wages. Hence this case.

3. The management was set *ex parte* and the *ex parte* hearing commenced on 17-7-2001 and 20-4-2004 and ultimately an *ex parte* Award was passed by this Court on 22-4-2006 in favour of the workman. Thereafter the management challenged the said *ex parte* Award before the Hon'ble High Court of Odisha, Cuttack vide W.P. (C) No. 6354 of 2009.

4. It is pertinent to mention here that in view of the order of the Hon'ble High Court of Odisha, Cuttack passed in W.P. (C) No. 6354 of 2009 directed this Court for adjudication afresh after setting aside the *ex parte* Award passed by this Court on 22-4-2006 and also given direction to dispose of the matter after affording an opportunity of hearing to both the sides preferably within a period of three months from the date of receipt of certified copy of this Order. In view of the order passed by the Hon'ble Court, this Court issued notices to the parties and accordingly the workman was present and the management remained absent in spite of receipt of notice and in violation of the order of the Hon'ble Court for which the management was against set *ex parte* on 17-3-2012.

5. In order to substantiate his plea, the workman has already been examined as W.W. 1 and one Sarat Chandra Das has been examined as W.W. 2 on behalf of the workman. The workman has also filed certain documents in support of his case.

6. In view of the unchallenged testimony of the workman and considering the documents filed, it is felt that he has genuine case and he is entitled to the reliefs claim.

## 7. Hance Ordered :

That the termination of Shri Chitan Mohanta from services with effect from the 1st April 1999 by the Divisional Forest Officer, Baripada Division, Baripada, Dist. Mayurbhanj is neither legal nor justified. The workman Shri Mohanta is entitled to be reinstated in service with full back wages. The management is directed to implement this Award within a period of one month from the date of its publication, failing the amount shall carry interest at the rate of 15% per annum till its realisation.

The reference is answered accordingly *ex parte*.

Dictated and corrected by me.

S.A.K.Z. AHAMED  
11-5-2012  
Presiding Officer  
Labour Court  
Bhubaneswar

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11-5-2012  
Presiding Officer  
Labour Court  
Bhubaneswar

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By order of the Governor  
M. R. CHOUDHURY  
Under-Secretary to Government